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W.P(MD)No.25964 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25964 of 2025

1.A.Sodalaimuthu

2.S.Vasugi

... Petitioners

Vs.

1.The Sub Registrar,
Kariyapatti,
Virudhunagar District.

2.S.Mohammed Ibrahim

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in his proceedings of refusal check slip No.RFL/Kariyapatti/74/2025, dated 09.09.2025 and quash the same as illegal and null and void and consequently, direct the first respondent to register and return the sale deed presented by the petitioners dated 30.06.2025.

For Petitioners : Mr.S.Venkatesh

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate
for R1
: Mr.J.Alaguram Jothi
for R2



W.P(MD)No.25964 of 2025

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ORDER

Heard both sides.

2.The respondents 2 & 3 herein executed the power of attorney dated 10.08.2016 in favour of the first petitioner herein authorizing him to deal with the petition mentioned property. The power of attorney was registered as Document No.2037 of 2016 on the file of the Sub Registrar, Kariyapatti. The power of attorney was one coupled with interest. In fact, stamp duty was also paid accordingly. The second respondent herein had also entered into a sale agreement with the first petitioner. While so, the first petitioner executed the petition mentioned sale deed in favour of the second petitioner and presented the same for registration. The respondents 2 & 3 raised objections. The stand of R2 & R3 is that in the life certificate produced by the first petitioner, they had not affixed their signatures. Citing the said objection, the first respondent declined to register the document and issued the impugned refusal check slip. Challenging the same, this writ petition came to be filed.

3.The document cancelling the power of attorney was presented on 23.07.2025. The sale deed is dated 03.07.2025. But it was presented on



W.P(MD)No.25964 of 2025

09.09.2025. The sale deed had been executed with stamp papers that bear the date 30.06.2025. The respondents 2 & 3 have in the meanwhile instituted O.S.No.313 to 321 of 2025 on the file of the Sub Judge, Aruppukottai seeking declaration that the power of attorney executed in favour of the first petitioner is non-est in the eyes of law and is deemed to have been cancelled. Admittedly, the jurisdictional civil Court has not granted any interim order in favour of R2 & R3 herein till date.

4.The respondents 2 & 3 herein have disputed the genuineness of the signatures attributed to them in the life certificate. The question that calls for consideration is whether the registering authority should be restrained from registering the document in view of the aforesaid stand taken by the principals.

5.A Circular was issued on 04.04.2013 by the I.G of Registration wherein it was made mandatory to insist on production of life certificate whenever a power agent executes any document pursuant to the power of attorney executed in his favour. The life certificate must indicate that the principal was alive for a period of thirty days prior to the execution of the document presented for registration. The circular is as follows :



பதிவுத்துறைத்தலைவர் அலுவலகம்.

சென்னை-25.

சுற்றறிக்கை

எண் 189/C1/2013, நாள் 02.02.2013.

பொருள் : ஆணைப்பதிவு நடைமுறை -பொது அதிகார
ஆணைத்தின்படி பதிவு செய்யப்படும்
ஆணைக்களின் பதிவின் போது முதல்வர் உயிருடன்
உள்ளார் என Life certificate பெறுவது குறித்து

பார்வை : இவ்வலுவலக சுற்றறிக்கை எண் 189/சி1/2013-1 நாள்
7-1-13

பார்வையில் காணும் பொது அதிகார ஆணை குறித்த
சுற்றறிக்கையின் தொடர்ச்சியாக கீழ்க்காணும் நடைமுறை பின்பற்றமாறு
தெரிவிக்கப்படுகிறது. 1.2.2013க்கு பின்னர் பதிவு செய்யப்படும்

- (1) பொது அதிகார ஆணைத்தின் அடிப்படையில் முகவரால் எழுதி
கொடுக்கப்படும் ஆணை பதிவுக்கு தாக்கல் செய்யப்படும்போது
பொது அதிகாரம் அளித்த முதல்வர் உயிருடன் உள்ளார்
என்பதற்கான " உயிருடன் உள்ளார் " என்ற சான்றும் (Life
Certificate) தாக்கல் செய்யப்படவேண்டும். இந்த சான்றில்
முதல்வரின் புகைப்படம் ஒட்டி அவரின் கையொப்பத்துடன்,
பதிவு பெற்ற மருத்துவ அலுவலரால் (Registered Medical
Practitioner) அல்லது மத்திய / மாநில அரசு A பிரிவு
அலுவலரால் தேதியுடன் பெறப்பட்ட சான்று தாக்கல் செய்ய
வேண்டும்.
- (2) இந்த Life Certificate அளித்தால் மட்டுமே 1.2.2013க்குபின்
பதியப்பட்ட பொது அதிகார ஆணைத்தின் அடிப்படையில்
தாக்கல் செய்யப்படும் ஆணை பதிவுக்கு அனுமதிக்கப்பட
வேண்டும். Life Certificate மாதிரி படிவம் இத்துடன்



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இணைக்கப்பட்டுள்ளது. அதில் குறிப்பிட்ட விவரங்களுடன் சான்று திருத்தல் வேண்டும் எனவும் தெரிவிக்கப்படுகிறது.

- *(3) ஆவணம் பதிவுக்கு தாக்கல் செய்யப்படும் தேதிக்கு முன் 30 நாட்களுக்குள் இச்சான்று வழங்கப்பட்டிருக்க வேண்டும். அதற்கும் முன்பாக சான்று வழங்கப்பட்டிருந்தால் அச்சான்று செல்லத்தக்கதல்ல.
- (4) Life certificate அசலை ஆய்வு செய்து, பின்னர் அதனை நகலுடன் சரிபார்த்து ஆவணத்துடன் ஒளிவருடல் செய்யப்படவேண்டும். அசல் சான்றினை திரும்பி அளிக்கப்படவேண்டும்.
- (5) பொது அதிகார ஆவணங்களின் மூலம் கிரையம் பெறப்படும் (Purchase Power) ஆவணங்களுக்கு இச்சான்று கோர தேவையில்லை.
- (6) நிறுவனத்தினால் எழுதி கொடுக்கப்படும் பொது அதிகாரம் ஆவணங்களுக்கு இச்சான்று கோரத் தேவையில்லை.
- (7) பொது அதிகார ஆவணம் பதிவு அலுவலகத்தில் தாக்கல் செய்யப்பட்ட நாளிலிருந்து மேற்படி பொது அதிகார ஆவணத்தின் அடிப்படையில் 30 நாட்களுக்குள் தாக்கல் செய்யப்படும் ஆவணங்களுக்கு மேற்படி Life certificate கோர வேண்டிய அவசியமில்லை.
- (8) 1/2/2013 அன்றோ அதற்கு முன்னரோ பதிவு செய்யப்பட்ட பொது அதிகார ஆவணம் தொடர்பான பதிவுகளுக்கு மேற்படி Life certificate கோர வேண்டிய அவசியமில்லை.
- (9) வெளிநாடுகளில் எழுதி தரப்பட்ட (Adjudication செய்யப்படும்) பொது அதிகார ஆவணங்களுக்கு இச்சான்று கோரப்பட வேண்டும்.



W.P(MD)No.25964 of 2025

10) 1.2.2013 தேதிக்கு பின் பதிவு செய்யப்படும் பொதுஅதிகார ஆவணங்களில் "இவ்வாணத்தின் அடிப்படையில் எழுதி கொடுக்கப்படும் ஆவணங்கள் பதிவுக்கு தாக்கல் செய்யப்படும் போது பொது அதிகாரம் அளித்தவரின் "Life Certificate" உடன் தாக்கல் செய்யப்படவேண்டும்" என்ற விலரம் ஆவணத்தில் குறிப்பு சேர்த்து திரும்ப வழங்கப்படவேண்டும்.

(11) இதன் விலரத்தை பொது அதிகாரம் ஆவணம் பதிவு செய்யப்படும் போது ஆவணதாரர்களுக்கு தெரிவிக்கப்படவேண்டும்.

இந்நடைமுறை 4.02.2013 முதல் அமலுக்கு வருகிறது. பின் அஞ்சலில் அனுப்பப்படும் இச்சுற்றறிக்கைக்கு ஒப்புதல் அளிக்குவாறு கோரப்படுகிறது.

தும்/- 02.02.2013,
பதிவுத்துறைத்தலைவர்

(ஆணைப்படி)

பதிவுத்துறைத்தலைவருக்காக.

பெறுநர்

அனைத்து சார்பதிவாளர்கள்,

நகல் : 1.அனைத்து துணைப்பதிவுத்துறைத்தலைவர்கள்,

2.அனைத்து மாவட்ட பதிவாளர்கள்,

3.தூயக்குறர், பதிவுத்துறை பபீற்சி நிலையம்,
சென்னை.

4.முக்கிய ஆணை கோப்பு.



W.P(MD)No.25964 of 2025

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LIFE CERTIFICATE FOR THE PURPOSE OF REGISTRATION OF DOCUMENTS BASED ON POWER OF ATTORNEY.

		Photo	
SIGNATURE OF THE INDIVIDUAL			
Certified that the individual named Shri/Smt.Ms.		s/o address	
who has signed in my presence and whose photo has been attested by me , is alive, as on this date.			
Name :			
Designation of Registered Medical Practitioner with Registered No./ 'A' group officer			
Seal/No.		of Regd.	
Practitioner/'A' Group officer			
Place :			
Date : (in words)			

- ID No. for Group 'A' groupOfficers should be their GPF No./PAN Card No./Aadhar No./Voter ID.
- The Medical Practitioner/'A' group Officer should attest the Photo of the individual and half of the Signature should be on the Photo and other half on this paper.

Sd/- 02.02.2013

Inspector General of Registration

(By Order)

Inspector General of Registration



W.P(MD)No.25964 of 2025

The validity of the circular was upheld by the Hon'ble Division Bench in the decision reported in **2015 SCC OnLine Mad 13145** and **2014 SCC OnLine Mad 12788**. The matter in fact went up to the Hon'ble Supreme Court as there was an ambiguity in the wording of the circular. The Hon'ble Supreme Court after clarifying what the circular should be taken to mean declined to interfere with the order of the Division Bench. Pursuant to the said clarification, the following circular was issued :

O/o. Inspector General of Registration,
Chennai-600 028.

Circular

No.7154/C1/2013, dated 24.08.2015.

Sub : Registration - Registration of Documents executed by
Power Agent - Obtaining Life Certificate of the Principal -
as per Hon'ble Supreme Court Order is necessary -reg.

Ref : 1) Inspector General of Registration Circular
No.189/C1/2013, dated 2.2.2013.

2) Hon'ble Supreme Court of India, Judgment dated
3.8.2015 in SLP(C) No. 30483/2014.

With reference to the Circular 1st cited, regarding obtaining of Life Certificate of the Principal for documents executed by the Power Agent, the Hon'ble Supreme Court of India in their order 2nd cited, have clarified as follows:-

"The term "within a period of thirty days" has to be understood in the past tense, that is, the executant was alive thirty days prior to the date of execution of the sale deed."

...the power of attorney in law does not subsist after the death of the principal and, therefore, the certificate as regards the past is necessary."

The present order shall supersede all circulars issued by the State relating to this".

P.T.O.



W.P(MD)No.25964 of 2025

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2) It is hereby instructed that the above Supreme Court order shall be followed scrupulously while registering the documents executed by the Power Agent.

Sd/- 24.08.2015.

Inspector General of Registration.

/By Order/

for Inspector General of Registration.

24/8/2015
24/8/15

To

All Sub-Registrars.

Copy to : All Dy. Inspector General of Registration,
All Dist. Registrars,
The Director,
RTI, Chennai-14.

: Stock File.

6.A learned Single Judge of this Court vide order dated 21.02.2025 in ***Arihant Foundations and Housing Limited vs The State of Tamil Nadu*** made in WP. No.4780 of 2025 held as follows:

“8.In the considered view of this Court, the very insistence of a life certificate is only to ensure that the principal who executed the power is alive. The scope of the life certificate cannot go beyond this. If the principal wants to prevent the agent from dealing with the property pursuant to the power of attorney executed in his favour, the principal has to cancel the power or the principal must approach the competent Court and workout the remedy... This Circular does not have anything to do with an inter se dispute



W.P(MD)No.25964 of 2025

between the principal and the agent and this Circular confines itself to find out if the principal is alive on the date of presentation of the document by the agent.”

However, another learned Single Judge of this court in ***Jayanth Rhenius vs The District Registrar (W.P(MD)No.8998 of 2025)*** vide order dated ***19.08.2025*** dissented from the above view and held as follows :

“The object of the Circular may be to ascertain whether the principal is alive and whether the POA was still subsisting. But while implementing the said Circular it is mandatory to obtain signature of the principal in the life certificate and this would give a genuine expectation to the principal that the agent would come back for getting signature in life certificate and there would not be chance of committing fraud. Hence the interpretation held in the order stated supra is “narrow interpretation”. The impact of the said Circular ought to be considered by assigning “purposive interpretation”. Hence, based on the above circular if the interest of the principal is protected against fraud and if the principal is claiming such protection against fraud, then the same ought to be granted to the principal / the petitioner herein.”

7.I have two conflicting opinions before me. Question arises what should I do ? Should I follow one of the two or make a reference to the Division Bench. After considerable thought and deliberation, I intend to follow what was laid down in ***Arihabt Foundations and Housing Limited.***



W.P(MD)No.25964 of 2025

8.Let me spell out my reasons. As per the circular dated 02.02.2013, any document executed by a power agent and presented for registration should be accompanied by a life certificate containing the photograph of the principal. Such certificate should also be signed by a registered medical practitioner or an officer belonging to Group A Services of the Central or State Government. The life certificate should have been issued within a period of thirty days preceding the date of presentation of the document for registration. If the deed of power of attorney itself had been registered within thirty days immediately preceding the date of registration, then the document need not be accompanied by a life certificate. The Registration Act and the rules framed thereunder do not prescribe such a requirement. It is only through a circular issued by the I.G of Registration, it has become a requirement. The validity of the circular has been upheld. What has not been statutorily directed may not receive an expansive interpretation. A requirement has been introduced and it is enough if it is fulfilled. A careful reading of the decision of the Hon'ble Division Bench reported in **2015 SCC OnLine Mad 13145** indicates that the whole idea is to protect innocent purchasers. If the principal dies but on the strength of the power of attorney, document is executed after his demise, it is void as it would convey no title to the purchaser. With utmost respect, I am of the view that the purpose of the circular is not to empower the principal but to protect the



W.P(MD)No.25964 of 2025

purchaser. One can take judicial notice of the fact that full consideration is often paid before such power of attorney is executed. To evade stamp duty, the power of attorney deed does not read that it is coupled with interest. But in this case, the document itself indicates that it is one coupled with interest. Such power of attorney cannot be revoked unilaterally. Even the death of the principal will not affect its operation. In such cases, the production of life certificate itself may not be necessary. Since the circular has been upheld by the courts, may be in such cases, leave will have to be obtained for dispensing with the production of the life certificate.

9.The very purpose of filing a life certificate is to ensure that the power agent does not act on the power of attorney even though the principal has passed away. Only to avoid such a situation, the registration department introduced the practice of enclosing the life certificate. Courts should not introduce further requirements than what the circular stipulates. If the certificate has been signed by the official mentioned in the circular, that is the end of the matter as far as the registering authority is concerned. The life certificate must contain the photograph of the principal. As per the format, the signature of the principal should also be there. If these are present, the registering authority must go ahead with the registration and there is no scope



W.P(MD)No.25964 of 2025

for further enquiry. As per Section 34 of the Registration Act, the scope of enquiry before the registering officer is confined to finding out whether the document sought to be registered was executed by the person by whom it purports to have been executed. The identity of the persons appearing before the registering authority will have to be satisfied. There is no provision enabling the registering authority to conduct enquiry during the registration process to find out if the signatures found in the life certificate are true and genuine. If a false document has been filed, that would be a matter for prosecution under Sections 82 & 83 of the Act. Even this prosecution can take place only after it is definitively established that the signatures found in the life certificate have been forged.

10. Law does not conceive of a situation when the principal appears before the registering authority and disputes the signature attributed to him in the life certificate. The whole purpose of producing a life certificate is to assure that the principal is very much alive. If the principal himself appears in person, there is no need for a life certificate at all. If the authority is satisfied that the principal is alive, the question of holding further enquiry does not arise. Need to hold enquiry will arise only if there is suspicion that the principal is no more. There could be cases as in *Jayanth Rhenius* where the principal denies



W.P(MD)No.25964 of 2025

the genuineness of the signature attributed to him in the life certificate. This issue cannot be decided by the registering authority. It is only the forensic expert who can give an opinion subject to the final call to be taken by the jurisdictional court. The registering officer can exercise only such power that has been conferred on him expressly by the statute. He does not have any inherent power. He cannot travel beyond the boundary drawn by Section 34 of the Registration Act. My attention has not been drawn to any provision which empowers the registering officer to test the veracity of the life certificate or the genuineness of the signatures found therein. This is because the registering officer is not a quasi judicial authority. The registering authority cannot defer registering the document on the ground that the principal disputes the signature attributed to him in the life certificate.

11. In this case, admittedly, the principals are very much present. When the principals are very much alive, the life certificate loses its significance. Therefore, on this ground, the registering authority could not have declined to register the document. Secondly, the sale deed appears to have been executed before the formal cancellation of the power of attorney. Thirdly, the document in question is one coupled with interest. All the issues that have arisen between the parties will have to be necessarily adjudicated only before the jurisdictional civil Court.



W.P(MD)No.25964 of 2025

12.The second petitioner in whose favour the petition mentioned sale deed has been executed by the first petitioner is present in person and she has also filed an affidavit stating that till the disposal of O.S.Nos.313 to 321 of 2025 on the file of the Sub Court, Aruppukkottai, she will not alienate or encumber the petition mentioned property. This undertaking given by the second petitioner is placed on record.

13.In view of the said undertaking, the impugned refusal check slip is quashed. The petitioners are permitted to re-present the document. It shall be registered. Whether to release or not would depend upon the opinion to be formed by the registering authority regarding the valuation of the document. He is also restrained from entertaining any further document from the second petitioner in respect of the petition mentioned property. The contentions of both the parties are left open and none of the defences of R2 & R3 stand foreclosed. It is for the trial Court to take a call in the matter.

14.The Writ Petition is allowed on these terms. No costs.

28.10.2025

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.25964 of 2025

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To
The Sub Registrar,
Kariyapatti,
Virudhunagar District.



WEB COPY



W.P(MD)No.25964 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.25964 of 2025

28.10.2025